

66309-135-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Silvio MONTAGNER

Serial No. 09/913,408

Filed: October 16, 2001

) PATENT
)
)
)
)
)
)
)

Group: 1734

Examiner: C.N. Hawkins

**METHOD FOR MOULDING RADIUSSED BOTTOM CORNERS ON WOODEN OR
SIMILAR PANELS COATED WITH THERMOFORMED POLYMER SHEETS AND
PANELS OBTAINED WITH THAT METHOD**

* * * * *

VIA FACSIMILE (703) 305 3230 / 308 4785

RESPONSE TO DECISION

ATTENTION: CYNTHIA M. KRATZ

PCT LEGAL OFFICE

JUNE 11, 2003

Commissioner for Patents
Washington, D.C. 20231

703 305 3230 308 4785

Sir:

In the Decision mailed May 30, 2003, the Attorney Advisor indicated that Applicant is required to submit a new declaration because the Declaration and Power of Attorney filed September 18, 2001 is defective in that it does not identify the specification to which it is directed.

Applicant hereby requests reconsideration of the requirement.

The Declaration and power of attorney identifies the application by at least three means of identification namely, by title, by filing date and by reference to the priority document. In addition, the inventor is identified as well.

The Italian priority number corresponds to the same application identified in the PCT filing. The title set forth in the Declaration, which comprises 22 words, is the same as that set forth in the PCT application and in the National Phase transmittal. The filing date set forth in the Declaration is the same as the date of filing of the National Phase application. The National Phase application corresponding to the above identified application is the only application filed by the Applicant that day.

Accordingly, it is believed that these forms of identification are sufficient to uniquely identify the application, and a requirement for further indicia of identification is unnecessary as evidenced by the initial grant of the Notification of Acceptance. The Patent Office was able to match the Declaration with the proper file.

The Decision also causes damage to the Applicant, because the filing date for purposes of 35 USC 103(e) will be postponed until the requirements under 35 USC 371 are met.

The Decision, in vacating the Notification of Acceptance mailed December 5 2001 this late stage of the prosecution, denies the Applicant an opportunity to recapture the lost time since the mailing date of the Notification of Acceptance.

It is therefore respectfully requested the Attorney Advisor reconsider her requirement for a new Declaration.

Respectfully submitted,

John P. De Luca
Registration No. 25,505

DYKEMA GOSSETT PLLC
1300 I STREET N.W.
SUITE 300 W
WASHINGTON, D.C. 20005
(202) 906 8600